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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE, et al.,  
  
Plaintiffs,  
  
v.  
  
WILBUR L. ROSS, JR., et al.,  
  
Defendants.

CASE NO. 5:20-cv-05799-LHK

**DECLARATION OF DIANE  
KELLEHER**

1 I, Diane Kelleher, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am an Assistant Branch Director of the Federal Programs Branch, an office within  
3 the Civil Division of the United States Department of Justice. I joined the Department of Justice  
4 in 2000 as a Federal Programs Branch trial attorney. Previously I worked for several years at the  
5 law firm of Davis Polk & Wardwell LLP, and before that I served as a law clerk for a federal  
6 district court judge in the District of Massachusetts. In 2013, I was promoted to the position of  
7 Assistant Branch Director, a career civil-service position, within the Federal Programs Branch.  
8 My direct supervisor is one of three Federal Programs Branch Directors, Alexander K. Haas, who  
9 also is a career federal civil servant.

10 2. The principal responsibility of the Federal Programs Branch (“the Branch”) is to  
11 defend civil actions in federal district court in which the legality of Federal Government programs,  
12 policies, and actions is challenged. The Branch represents the Government in the above-captioned  
13 case. I am one of two Assistant Branch Directors who supervise the other Branch attorneys  
14 working on this matter.

15 3. I make this Declaration on behalf of the Defendants in the above-captioned matter  
16 based on my personal knowledge and information provided to me in the course of my official  
17 duties.

18 4. I make this Declaration in support of Defendants’ response to the Court’s Order of  
19 January 11, 2021 (ECF 444), in which the Court ordered a declaration to attest to the completion  
20 of the review process for material Defendants have segregated out as possible attorney work  
21 product. In particular, the Court ordered that Defendants “must review all documents that  
22 Defendants have segregated for Defendant’s 7 search terms (“DOJ,” “usdoj.gov”, “WP”,  
23 “declaration” within 10 of “draft,” “ACP,” “attorney client,” and “work product”) or possible  
24 attorney work-product: (1) for which no attorney is the sender, recipient or carbon copied recipient,  
25 or (2) for which Michael Cannon, Melissa Creech and/or Miles Ryan is the sender, recipient or  
26 carbon copied recipient. Based on Defendants’ review, Defendants must log the privileged  
27 documents on Defendants’ privilege log; produce the responsive, non-privileged documents to  
28 Plaintiffs; or produce the non-responsive documents to the Magistrate Judge Panel for in camera  
review. Defendants shall file a declaration that they have completed this review by January 14,

2021. Defendants shall produce the privilege log and start producing the documents from this review to Plaintiffs and the Magistrate Judge Panel by January 15, 2021.”

5. Consistent with the Court’s Order, Defendants undertook review of those documents that fall within categories (1) and (2) of the segregated material that the Court specified.

6. As of the time of this Declaration, Defendants have completed their review process. For the material on which Defendants made determinations, privileged documents are being placed on a log; Defendants are preparing to produce responsive, non-privileged documents to Plaintiffs; and Defendants are preparing to produce any documents deemed non-responsive to the Magistrate Judge Panel for *in camera* inspection. Defendants were not able to make determinations on all of the documents that fall within categories (1) and (2) of the segregated materials specified above. Defendants are preparing to produce any documents on which determinations were not made to Plaintiffs along with responsive, non-privileged documents. Consistent with the Court’s Order, Defendants are preparing to “produce the privilege log and start producing the documents from this review to Plaintiffs and the Magistrate Judge Panel” on January 15, 2021.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on January 14, 2021.

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DIANE KELLEHER